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June 17, 2011

BY FACSIMILE

Honorable Victor Marrero  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Suite 660  
New York, New York 10007

Re: Hausler v. JP Morgan Chase Bank, N.A., et al.  
09 Civ. 10289 (VM)

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Dear Judge Marrero:

We represent an interpleader respondent in Petition I, Shanghai Pudong Development Bank ("SPDB"), and we write respectfully to request reconsideration of the Court's denial of SPDB's June 16, 2011 letter request for leave to file a reply brief of no more than 25 pages in support of SPDB's cross-motion to summary judgment on the Tranche I interpleader proceedings ("June 16 Letter Request"). We received the decision this evening after finalizing the brief.

SPDB submitted the June 16 Letter Request in an effort to ensure that it has a fair opportunity to defend its claim in this proceeding. The Court indicated that it was not persuaded that a 25-page reply brief is warranted. [D.I. 405] It is of course difficult to assess the need for such briefing without the opportunity to review it. We now submit the brief [D.I. 409] to demonstrate the need for 25 pages to respond to Petitioner's 25-page brief in Petition I [D.I. 378] and Petitioner's second 25-page brief in Petition III to the extent it includes arguments specifically against SPDB. [D.I. 382]

Under the motion rules and the so-ordered stipulation of the parties [D.I. 288], the Petitioner and SPDB were entitled to the same number of pages for their reply briefs. SPDB could have responded in 10 pages to a 10-page brief. It is not possible, however, for SPDB to respond properly in only 10 pages to 25 pages of briefing in Petition I, which included a number of new arguments, plus certain parts of the 25-page Petition III brief.

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The adverse claimants in Petition III have also submitted briefs, but those briefs do not respond to Petitioner's arguments against SPDB, except to the general extent Petitioner incorporates the Petition III arguments. Indeed, the adverse claimants in Petition III have relied on SPDB to address certain issues argued in Petition I, but then opposed by Petitioner in the Petition III brief (i.e. the fact that there is no abandonment and the claims are not time barred). [D.I. 398] Consequently, they too will be prejudiced if a complete brief is not allowed.

SPDB submits that its brief will assist the Court by responding to the lengthy arguments raised by Petitioner, where the Court would otherwise have to identify and research the response to such points on its own to rule on the cross-motions. SPDB's filing also provides Petitioner with notice of the authorities and arguments in advance of the hearing, and preserves such issues as well.

We appreciate the Court's consideration of this matter, and are available if the Court would like to discuss this.

Respectfully submitted,



Glenn M. Kurtz

cc: James W. Perkins, Esq. (by email)  
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The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by

Shanghai Pudong Development Bank.

SO ORDERED.

6-27-11

DATE

  
 VICTOR MARRERO, U.S.D.J.